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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Leon Mikinka,

10 Plaintiff,

11 vs.

12 Maricopa County Sheriff's Office, et al.,

13 Defendants  
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)  
) No. CIV 04-2236-PHX-EHC (DKD)  
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) **ORDER**  
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15 This matter arises on Plaintiff's Motion to Appoint Counsel (Doc.#10), filed October 7,  
16 2005. Plaintiff requests that the court appoint counsel because he lacks legal training, cannot  
17 afford counsel, and because the issues in this matter are complex. (*Id.*)

18 There is no constitutional right to appointment of counsel in a civil case. *See Johnson*  
19 *v. Dep't of Treasury*, 939 F.2d 820, 824 (9<sup>th</sup> Cir. 1991). Appointment of counsel in a civil rights  
20 case is required only when exceptional circumstances are present. *Terrell v. Brewer*, 935 F.2d  
21 1015, 1017 (9<sup>th</sup> Cir. 1991) (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9<sup>th</sup> Cir. 1986)).  
22 In determining whether to appoint counsel, the court should consider the likelihood of success  
23 on the merits, and the ability of plaintiff to articulate his claims in view of their complexity.  
24 *Wood v. Housewright*, 900 F.2d 1332, 1335 (9<sup>th</sup> Cir. 1990).

25 Plaintiff's first request for the appointment of counsel was denied September 9, 2005  
26 (Doc. #9). Plaintiff has still not demonstrated a likelihood of success on the merits, nor has he  
27 shown that he is experiencing difficulty in litigating this case because of the complexity of the  
28 issues involved. Moreover, Plaintiff's numerous filings with the Court as well as the pending  
motion, indicate that Plaintiff is capable of presenting legal and factual arguments to the Court.

1 After reviewing the file, the Court determines that this case does not present exceptional  
2 circumstances requiring the appointment of counsel.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion for the Appointment of Counsel  
5 (Doc. #10) is **DENIED** without prejudice.

6 DATED this 20<sup>th</sup> day of October, 2005.

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11 David K. Duncan  
12 United States Magistrate Judge  
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